THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION NO.5031 OF 2007

Dated 16-05-2007

Between:

A.Bagaiah and another …Petitioners

and

The Assistant City Planner and another …Respondents

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION NO.5031 OF 2007

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O R D E R:

This writ petition is filed to declare the notice issued by the first respondent asking the petitioners to surrender their H.Nos.6-3-709 and 6-3-709/A situated at Punjagutta, Hyderabad as illegal, arbitrary and in contravention of Sections 146 and 147 of the Hyderabad Municipal Corporation Act, 1955 (for short "the Act")

Heard learned counsel for the petitioners and also the learned Standing Counsel for the Municipal Corporation.

Having regard to the facts and circumstances of the case, I am of the opinion that if the petitioners are not inclined to accept the said proposal of entering into agreement under Section 146 of the Act, it is open for the petitioners to file their objections stating that they are not inclined to accept the proposal or enter into an agreement for settlement of compensation or avail the benefit under the Government Orders. However, if the petitioners are not inclined to enter into an agreement, it is also open to the respondents to acquire the land under Section 147 of the Act, by initiating proceedings under the Land Acquisition Act, 1984.

Hence, the writ petition is disposed of permitting the petitioners to file their objections, if not already filed, within one week from today and if the petitioners are not inclined to avail the said benefit, it is open to the respondents to initiate action under Section 147 of the Act. However, the respondents are directed not to dispossess the

petitioners without following due procedure prescribed in law. No order as to costs.

K.C.Bhanu, J

Dated 16th May, 2007

vrn/skm